No. 82-458

IN THE

Supreme Court of the United States

October Term, 1982

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FILED
1982
ALEXANDER L. STEVAS,
CLERK

TULARE LAKE CANAL COMPANY AND TULARE LAKE BASIN WATER STORAGE DISTRICT,

Petitioners,

vs.

UNITED STATES OF AMERICA.

On Petition for a Writ of Certiorari to The United States Court of Appeals for the Ninth Circuit.

MEMORANDUM FOR THE PETITIONERS.

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MEMORANDUM FOR THE PETITIONERS.

This memorandum is filed with the court pursuant to the direction of the Clerk by his letter to counsel dated December 6, 1982.

The Petitioners, Tulare Lake Canal Company and Tulare Lake Basin Water Storage District agree with the statement of the Solicitor General that the applicable provisions of the Reclamation Reform Act of 1982 (96 Stat. 1269) have rendered the pending action moot.

The Petitioners concur in the Solicitor General's recommendation that the Court grant the Petition for Certiorari, order the Judgments below vacated, and remand the case to the District Court with instructions to dismiss the action in view of the aforementioned action of the Congress.

The *Amici Curiae* have authorized counsel to represent to the Court that each of them concurs with this recommendation.

Respectfully submitted,
ROBERT M. NEWELL,
Attorney for Petitioners.

Of Counsel
JAMES G. MCCAIN, ESQ.,
ERNEST M. CLARK, JR., ESQ.

APPENDIX A.

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C., 20543

December 6, 1982

Robert M. Newell, Esq.
Newell & Chester
650 South Grand Avenue
Suite 500
Los Angeles, California 90017-3890

RE: Tulare Lake Canal Company and
Tulare Lake Basin Water Storage
District v. United States
No. 82-458

Dear Mr. Newell:

The Court has directed this office to call for a response to the Government's suggestion of mootness, which is contained in the memorandum of the United States filed on November 16, 1982.

Forty printed copies of this response, bearing a tan cover, shall be filed in this office and served on the Solicitor General within 15 days of the date of this letter.

Very truly yours,
/s/ A.L. Stevas
ALEXANDER L. STEVAS, Clerk

rjb
cc: The Honorable Rex E. Lee
Ernest M. Clark, Jr., Esq.
James G. McCain, Esq.
Burnham Enersen, Esq.